

REMARKS

This Amendment is in response to the Office action mailed on October 13, 2009. A petition for three month extension of time and payment (by credit card authorization) for the requisite fee are submitted herewith. In the event any additional fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

Status of the Claims

Claims 1, 2, 5-23, 25, 26 and 29-54 are pending in the present application. Claim 23 was objected to as depending from a rejected claim, but was indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 23 is amended to place the claim into independent form, incorporating the language of base claim 1 and intervening claim 21. Claim 23 is also amended to replace “has” with “having” to make the claim read better. Claim 1 is also amended, as discussed in more detail below. The amendments to the claims do not add any new matter.

Response to Claim Rejections

35 U.S.C. § 112, first paragraph

The Office action mailed October 13, 2009 indicates that the rejection under 35 U.S.C. 112, first paragraph, to claims 1 and 25 has been withdrawn. As to claims 1, 11, 25 and 35, the Office action requests clarification as to whether the “control means” language recited in the claim is invoking 35 U.S.C. § 112, sixth paragraph, or rather, whether the term “control means” is “a controller or compressed air”. The Applicant submits the language “control means” is intended to invoke 35 U.S.C. § 112, sixth paragraph.

35 U.S.C. § 102

Claims 1, 2, 5-7, 11, 12, 25, 26, 29-31, 35, 36 and 46 were rejected under 35 U.S.C. § 102 as allegedly anticipated by Trenel, U.S. Patent No. 6,368,027 (“Trenel”). Without

conceding the merits of the rejections, claim 1 is amended to recite “the guide railing being adjustable across a longitudinal axis of each of the products”. It is respectfully submitted that Figure 3 of Trenel does not disclose “a plurality of movable stops that are optionally introducible at one or more preset positions in the adjustment pathway of the guide railing to delimit the at least one guide railing and define various railing positions, at least one of the movable stops disposed within a cylinder housing that is disposed at a right angle to the actuator drive”, as recited in Applicant’s claim 1, or “a plurality of movable stops which can be arranged in the preset positions and can be moved in the adjustment path of the stop body to delineate the adjustment path, at least one of the movable stops disposed within a cylinder housing that is disposed at a right angle to the stop body,” as recited in claim 25. What the Office action refers to as “movable stops 21” (illustrated in Fig. 3 of Trenel) are actually slide members. Trenel explains that “the slide member 21 connects the air admission duct 15 to the opening 20, isolating the inside of the blow trunk 14 from the admission duct 15 and connecting the inside of the blow trunk 17 directly to the admission duct 15, thereby enabling reverse air jets R to be applied to the bottles.” Thus, the slide member 21 is not a movable stop in the adjustment pathway of the guide railing, or a plurality of movable stops arranged in preset positions and moved in the adjustment path of a stop body to delineate an adjustment path. It is therefore respectfully submitted that claims 1 and 25, and the claims depending therefrom, are not anticipated by Trenel.

35 U.S.C. § 103

Claims 7-9, 14-16, 18-20, 22, 32, 33, 37-40, 42, 44, 48 and 50-52 were rejected as allegedly unpatentable over Trenel in view of Aidlin, U.S. Patent No. 5,542,789 (“Aidlin”). Without conceding the merits of the rejections, in view of the amendment to claim 1 (reciting

“the guide railing being adjustable across a longitudinal axis of each of the products”), it is respectfully submitted that even if Trenel were combined with or modified according to Aidlin, as proposed in the Office action, they would not result in the claims depending from any claim depending from claim 1. As to claim 25 and the claims depending therefrom, it is respectfully submitted that the proposed combination or modification of Trenel in view of Aidlin would not result in the Applicant’s claims. Claim 25 recites “a plurality of movable stops which can be arranged in the preset positions and can be moved in the adjustment path of the stop body to delineate the adjustment path, at least one of the movable stops disposed within a cylinder housing that is disposed at a right angle to the stop body”. Trenel does not disclose such movable stops, and even if combined with the teachings of Aidlin, this deficiency would not be met.

Claims 10, 17, 34, 41, 47, 49 and 53 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Trenel in view of Leonard, U.S. Patent No. 6,305,528. It is unclear whether the Office action considers the longitudinal bars 12 of Trenel as “movable” stops. To the extent the Office action does consider the bars 12 of Trenel as movable stops, the Applicant respectfully submits that the reference does not teach such bars as being movable. To the extent Trenel describes adjustability, such adjustability is discussed in terms of permitting slides 25 to be vertically movable, and permitting modification of the position of under-collar guides 5 relative to the ground. Such vertical adjustability of the slides and under-collar guides 5 is not what is recited in the Applicant’s claims 1 and 25 as a movable stop. It is therefore respectfully submitted that Trenel, even if combined with or modified according to Leonard as proposed in the Office action, would not result in the Applicant’s claims 10, 17, 34, 41, 47, 49 or 53

Claims 31, 45, 53 and 54 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Trenel in view of Oulette, U.S. Patent No. 6,318,935. For the reasons previously discussed with regard to independent claims 1 and 25, it is respectfully submitted that Trenel, even if modified in view of the double-acting pneumatic cylinder of Oulette, would not result in the Applicant's claims 31, 45, 53 or 54.

Allowable Subject Matter

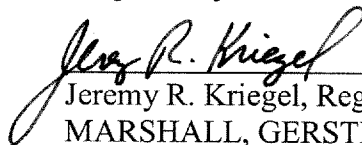
The indication in the Office action of the allowability of claim 23 is noted, with appreciation. Without conceding the merits of the rejections of previously-pending claims 1 and 21, claim 23 is amended to place the claim into independent form, incorporating the language of claims 1 and 23 as previously pending.

Conclusion

In view of the foregoing, it is respectfully submitted that all pending claims of the application are in condition for allowance. The Examiner's reconsideration and favorable action are respectfully solicited.

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Respectfully submitted,



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